

Notice of Allowability

Application No.

10/602,515

Examiner

Michael J. Early

Applicant(s)

TAKEMASA, KAZUO

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Non-Final Rejection (filed on 12/22/05).
2. ☒ The allowed claim(s) is/are 1.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Michael J. Early
Patent Examiner
Art Unit 3744

[Signature]
4/5/06

REASONS FOR ALLOWANCE

Applicant's arguments, see Remarks (pages 1 – 3), filed 12/22/05, with respect to Claim 1 have been fully considered and are persuasive. The rejection of Claim 1 has been withdrawn.

Applicant argues that Kameda et al. (U.S. 5,195,577) teach of an apparatus that is unrelated to the present invention because it uses an aqueous solution that freezes at temperatures much higher than those claimed in Claim 1. This argument is persuasive.

Applicant argues that the prior art of Kameda et al. cannot be properly combined with Kondo et al. (U.S. 4,824,454) because Kameda et al. disclose of apparatus that cools semiconductor switching elements without the use of a refrigerator and Kondo et al. do. This argument is persuasive.

Applicant argues that the prior art of Brodbeck et al. (U.S. 4,592,205) and Yanai et al. (U.S. 5,327,729) cannot be properly combined with Kondo et al. Applicant further argues that Brodbeck et al. disclose of an apparatus that delivers liquid cryogen to a container, which does not correspond to a cryostat as disclosed in Kondo et al. Applicant further argues that the apparatus disclosed in Yanai et al. is entirely unrelated to the apparatus disclosed in Kondo et al. Both of these arguments are persuasive.

The following is an examiner's statement of reasons for allowance:

- The combined prior art of Kondo et al. in view of Kameda et al., Brodbeck et al. and Yanai et al. does not properly teach nor suggest of the limitations recited in Claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Early whose telephone number is (571) 272-3681. The examiner can normally be reached on Monday - Friday, 7am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJE
4/5/06

Michael J. Early
Patent Examiner
Art Unit 3744


WILLIAM DOERRLER
PRIMARY EXAMINER